IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 72 of 2005 (S/B)

Trilochan Bhatt,
S/o Late Sri Prem Ballabh Bhatt,
R/o Kartike Colony, Kusumkhera,
Haldwani, District Nainital. …… Petitioner

Versus

1. Director of Education,
   2 Subhash Marg, Secretariat Complex,
   District Dehradun.
2. District Inspector Schools,
   District Pithoragarh.
3. State of Uttaranchal,
   through Secretary Education,
   Uttaranchal Shasan,
   District Dehradun. …… Respondents

Mr. Sharad Sharma, Advocate for the petitioner.
Mr. K.P. Upadhyaya, Standing Counsel for the State of Uttaranchal.

Coram: Hon. Cyriac Joseph, C.J.
Hon. M.M. Ghildiyal, J.

ORAL JUDGMENT : (Per Hon'ble the Chief Justice)

1. The petitioner is a retired District Inspector of Schools. His grievance is that his dues towards Earned Leave Encashment for 225 days amounting to Rs. 1,38,495/- and balance of gratuity amounting to Rs. 3,000/- have not been paid to him despite repeated representations. Learned counsel for the petitioner submits that the petitioner, for the time being, will be satisfied if a direction is given to the first respondent to consider Annexure 3 Representation dated 27.09.2002 and pass appropriate orders within a stipulated period. Learned Standing Counsel for the State of Uttaranchal who accepted notice for respondents No. 1 to 3 submits that he has no objection in giving such a direction to the first respondent. We are also satisfied that there should not be further delay on the part of the first respondent in taking a decision on Annexure 3 Representation stated to have been submitted on 27.09.2002. After all, the petitioner had

retired from service on 31.01.2001 and there is no justification for not settling his claims towards Leave Encashment and balance of gratuity even at this distance of time.

2. Hence, the writ petition is disposed of with a direction to the first respondent to consider Annexure 3 Representation dated 27.09.2002, if it has been received and is still pending, as expeditiously as possible and at any rate, within a period of two months from the date of receipt of a copy of this judgment.

(M.M. Ghildiyal, J.) **(Cyriac Joseph, C.J.)**
06.05.2005 **06.05.2005**

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